

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

PATRICK MULLINS §  
VS. § CIVIL ACTION NO. 1:17-CV-183  
WARDEN USP BEAUMONT §

ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Patrick Mullins, a prisoner confined at USP Beaumont, proceeding *pro se*, filed what appeared to be a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. After review, the complaint was liberally construed as a civil rights action filed pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's motion to proceed *in forma pauperis* be denied and the complaint be dismissed as plaintiff is barred from filing any civil rights actions unless he submits the requisite filing fee or otherwise obtains permission from the court to file the complaint.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.<sup>1</sup>

---

<sup>1</sup>Plaintiff received a copy of the Report and Recommendation on May 16, 2017 (docket entry no. 4).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Plaintiff has ten (10) days to pay the \$400.00 filing fee in this action. Failure to do so will result in dismissal of this civil rights action for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

**So Ordered and Signed**

Oct 11, 2017



---

Ron Clark, United States District Judge